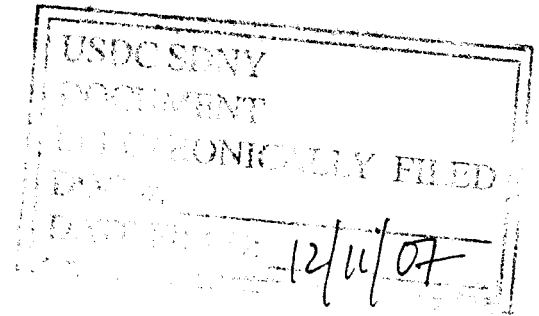


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X

WAYNE BERRY,

Plaintiff,

-against-

DEUTSCHE BANK TRUST CO.
AMERICAS ET AL.,

Defendants.

-----X

07 Civ. 7634 (WHP)

SCHEDULING ORDER

WILLIAM H. PAULEY III, District Judge:

Counsel for the parties having appeared for a conference on December 7, 2007,
the following is established on consent:

- (1) Defendants' motions to dismiss (D. Haw. No. 07 Civ. 0172 Docket No. 17 and S.D.N.Y. Docket No. 3) and Plaintiff's cross motion for partial summary judgment (D. Haw. No. 07 Civ. 0172 Docket No. 25) are denied without prejudice;
- (2) Plaintiff shall serve and file his second amended complaint by December 21, 2007; the second amended complaint shall be the final complaint filed in this action;
- (3) The parties shall exchange Rule 26 initial disclosures by January 15, 2008;
- (4) Defendants shall serve and file any motions to dismiss by January 25, 2008;
- (5) Plaintiff shall serve and file any oppositions by February 25, 2008;
- (6) Defendants shall serve and file any replies by March 7, 2008; and

(7) This Court will hear oral argument on April 4, 2008 at 10:30 a.m.

Dated: December 7, 2007
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

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